

SELECTMEN'S MEETING MINUTES

May 29, 2012

Members Present: James J. DeVellis, Chairman
Mark Sullivan, Vice Chairman
Lorraine Brue, Clerk
Lynda Walsh
Ginny Coppola

Others Present: Kevin Paicos, Town Manager
Randy Scollins, Finance Director
Bill Yukna, School Business Administrator
Paul Giguere, Columbia Gas Representative
Roger Hill, DPW Director
Dave Laliberte, Supervisor, Tree & Park
Robert Russell, David Donahue, Ann Marie, National Grid
Representatives
Fire Chief Roger Hatfield
Representative Jay Barrows
Members of the Advisory Committee, John Gray, Chairman,
John Spinney, Jr., George Leonard, Larry Thomas,
Vice Chairman.

The Meeting was brought to order at 7:00 p.m. by Jim DeVellis, Chairman.

7:00 – Jim DeVellis reviewed the agenda. He thanked all those who participated in the Memorial Day activities. Founder's Day is June 9th. Jim said the BOS open office hours are starting; the schedule will be in two hour increments with one or two members of the Board available. The meetings are to be scheduled for the first Tuesday every month, morning hours would be 10:00 to 12:00 noon and evening 5:00 to 6:30 p.m. Jim reviewed dates for upcoming issues – Town Manager review, June 26th for Goals and Objectives, Interviews for Town Council and scheduled concerts and special events.

Bob Boette, Chairman of the Conservation Committee gave a special invitation to the BOS as well as the general public to the dedication of the William O. Hocking, Jr. Memorial at the Sallie Property on Main Street. This dedication will be held Saturday, June 2 at 2:00 p.m. He thanked Betty Eckstrom and the Foxborough Garden Club for planting and maintaining the garden there. He also thanked Pete Sobol and the Highway Department for rebuilding the fence around the parking area.

Presentation of Refund Check – Bill Yukna, School Business Administrator, was present to present to the Town a refund check for the Foxborough High School Renovation Project. He said the Building Committee worked to make the building as efficient as possible and that allowed them to

apply for rebates resulting in a check for \$100,000 to go back to the General Fund.

Paul Giguere, spoke on behalf of Columbia Gas of Massachusetts. He presented the \$100,000 check stating that this represents the savings due to the actions of the School Committee and the Building Committee to chose to go with a high efficiency energy plant. He voiced appreciation for all the work the Building Committee had done to make this possible. He also congratulated Bill Yukna as a great volunteer who always gets things done below the estimated cost – a fantastic job.

7:05 – Update from National Grid – David Laliberte, Tree & Park Superintendent, reported that the process was started in February of identifying any kind of trees that were a hazard to the electric lines. An arborist was hired to identify hazardous trees. It was determined that over the eight miles circuit approximately 64 public trees had to be removed. He said that on April 2nd National Grid started removing the selected trees. He said they expect to be finished with this part of the program later in this week.

A lengthy discussion was held. David Donahue, National Grid, gave a detailed report on the work that has been done. He said they immediately addressed the hazardous trees. He gave specifics on which circuits have been completed, where the crews will next be working and exactly what work is being done such as cutting, trimming and removal of debris. A list of Town owned trees and hazardous trees and a map showing the areas of work was distributed. The list of trees provided information on whether the tree had to be removed or required only trimming. If the tree is listed as a removal, the chart also included the type of equipment needed to complete the job. Roger Hill, DPW Director, praised the work being done. He pointed out that National Grid works very closely with Town employees, the Town never has to clean up anything when National Grid crews are finished. He said that three to eight crews are in Town on a daily basis. David Donahue said that by 2015 the whole Town will be trimmed out. He said their objective is to provide good reliable service to the Town. Bob Russell pointed out that they have been trimming in three circuits in Town; one is complete, the 2nd almost done and the 3rd is the Crocker Pond area. He said the public has been very cooperative during this clearing and trimming process; it is good to have the public being a partner in this.

Lynda Walsh pointed out that the big thing during the hurricane was the Union Loop. She said she is assuming that once all the damage has been taken care of something like this should not happen again. Ann Marie said all this would be included in the bidding agreement; they would be responsible for all street and off street on the whole circuit. One Department will be responsible for the entire circuit. There is a lot of work being done on the Union Loop. Lorraine Brue pointed out that when the survey came out there were about 30 cross arms that need to be replaced and the connections at the top of the poles to be infra

red. She asked what the time frame is for that. Ann Marie said that would be complete in a few months. Mark Sullivan said the work has been aggressive and very much appreciated the completed work has been professional and it is not that way in many towns. Jim DeVellis said that some good has come out of this situation and he feels that a lot has been learned about emergency preparedness.

Howard Siegal, 3 Kathryn Rd., asked when the Town would be completely trimmed and all the feeder lines coming into Foxborough would be taken care of. Bob Russell said the target time right now is 2015. Howard Siegal said the BOS and the Town Manager should insist that National Grid complete the work this year. He said it is important to get Foxborough done before October before another storm like the one last year comes along. David Donahue said they are constantly looking at the feeders and main lines. He does not expect to have a lot of outages off the feeders as they were trimmed two or three years ago.

7:30 – Amendment to Regional Wastewater Agreement – Representative Jay Barrows introduced David Young a consultant on the original sewer program. David Young explained that this Act to amend the Regional Wastewater District Enabling Act for the towns gives Foxborough the option to use connective fees to help cover the cost of expansion. He said there have been challenges on this at times. His recommendation is to get special legislation that would allow the Town to use this connection fee; there is concern that this would be viewed as another tax. The Town would still have the ability to use other fees such as assessments for cost recovery.

Jay Barrows said this is a huge component to the overall project. He said it would be interesting to see what the Master Plan Study reveals. When he gets the information from the Planning Board it will give some information regarding growth in the industrial park. He expects this will happen. Jim DeVellis said this amounts to an incredible amount of work. Bill Euerle, Water Commissioner, said it is important that connection fees are not considered as a tax. He said this is very important for what is needed for the center of Town and for development. The Planning Board needs to figure out how this is going to be financed and he said the burden cannot be placed upon the current sewer users. Jay Barrows said Easton is in as a customer through Mansfield. He pointed out that how this whole thing is going to be financed now and in the future is an issue to deal with; he referred to the State Tax Incentive. He said this all really needs to get done soon.

Motion by Lynda Walsh to support the House Bill – An Act to Amend the Regional Wastewater District Enabling Act for the towns of Mansfield, Norton and Foxborough. Seconded by Mark Sullivan. **Vote: 5-0-0**

8:00 – Housing Production Plan Discussion – Jim DeVellis explained that the Planning Board is working on a Housing Production Plan to meet the Chapter

40B regulations as required by the State. The Planning Board is working with the Metropolitan Area Planning Council to help the Town develop a plan that addresses the particular needs of the people. He pointed out that going through this process it gives the Town something with “teeth” to say a 40B project does not fit. A joint meeting with the Planning Board is scheduled for June 28th at the Public Safety Building.

8:10 – Town Manager Discussion – Labor Counsel Advisory Opinion Re: Collective Bargaining

– Kevin Paicos explained that Dick Heydecker had asked to have Labor Counsel look at how the Town Manager Act of 2004 compares to the Town’s Personnel By-Laws. Kevin Paicos read a section of the Town Manager Act outlining the “town Manager’s powers and duties”. He explained that the Town Manager can seek the assistance of the Town Labor Counsel as necessary. In the memo from Town Labor Counsel, Leo Peloquin is of the opinion that the Town Manager Act “modifies and/or repeals the By-Law provision.” Kevin Paicos explained that when he has a negotiating proposal, he checks with the BOS about what they have in mind, giving him an idea of what he is going to negotiate. He takes that to the Union negotiating party for discussion and brings back an agreement. The BOS then has to finally vote and the contract has to be ratified. He said that is his “style” to do things that way. Jim DeVellis pointed out that in the eleventh hour to have the Town Manager telling the Board something without any insight from Board members, he is uncomfortable with that. His preference would be to have a Board member present at negotiating meetings. Kevin Paicos said that the Personnel By-Law needs to be amended; it takes a lot of work to make it consistent with the TMA. He said this is something the H.R. director could do.

Jim DeVellis suggested that the Board revisit the Strong Town Manager Act. Mark Sullivan suggested that it would be necessary to see if the Town wants to continue with a Strong Town Manager in the future. Lorraine Brue suggested that it would be very helpful to have someone come before the Board to speak on the process and try to figure out why the step towards Strong Town Manager was taken in the first place.

A lengthy discussion ensued regarding the process followed in collective bargaining. Dick Heydecker noted that the process was all changed. He said the issue is the Town Manager wanted five people to do the negotiations; now with the Town Manager Act, the Town Manager alone makes the decision. He feels that this was not the intent of the voters when the Strong Town Manager Act was voted in. He said it is very important to check the Town Manager Act and the Personnel By-Law. Lorraine Brue said she would like to continue with this discussion. Kevin Paicos said the next step would be to have a discussion in Executive Session. Mark Sullivan questioned as to whether this discussion qualifies for Executive Session. Kevin Paicos said it would qualify under strategy.

8:20 – Fire Department Overtime Study – Kevin Paicos thanked Randy Scollins and Fire Chief Hatfield and Deputy Fire Chief Bagley for their efforts on this “very large body of work, over 200 hours in time” and it has resulted in some trimming of overtime. Kevin Paicos gave a brief overview of the analysis along with recommendations. This analysis covered a three-year period – 2010, 2011 and 2012 for Discretionary Overtime and Unplanned Overtime. Included in the packet of information was a 3-year Overtime Cost Matrix covering 14 categories with comparisons of 3-year average, FY-2013 Budget and the 3-year Average vs. FY-13 numbers. The discussion included explanation of staffing, the number of FF/EMT’s going out on calls, shift coverage for personnel on vacation, sick leave and holidays, etc. Fire Chief Hatfield pointed out that at this time the staffing is at 7 personnel per shift. He explained how the absence of just two personnel creates an overtime situation. He talked about minimum staffing and that it is the most important factor creating overtime. The Chief gave examples of situations where minimum staffing occurs. Kevin Paicos described a plan for tighter record keeping starting July 1, 2012; this would be broken down to every shift, tracking of all categories and what it actually costs in overtime. He said it would be by month with reports submitted regularly.

John Spinney, Jr. spoke as Advisory Committee member. He said the Advisory Committee had been waiting for this Overtime Study. He said that an increase in staffing from 7 to 8 firefighters or whatever that trips overtime is going to “chase overtime off the table”. Sick time and Injured on Duty can be managed with incentives. He suggested rather than continuing with the 24 hour schedule, that the Department go back to the old 12 + 10 hr shifts. Mark Sullivan reminded John Spinney that the 24 hr. schedule is in the labor contract and would have to be “put on the table”. J. Spinney said overtime can be managed and figure out what the FTE component is. He said the Union has to give a little.

Continuing discussion included the possibility of going with a six man shift, maybe looking at seasonal shifts possibly going with a five man shift. Chief Hatfield said short shifting is going into dangerous territory. He is trying to get to 8 and that he would never support anything below six. Lorraine Brue suggested the possibility of a six man shift and calling in mutual aid if needed. She also asked whether any thought has been given to going to private ambulance service. Chief Hatfield explained that the only time mutual aid is called in is for assistance and that is at no cost to the Town. He said going to private ambulance service would cost the Town because the ambulance service has to turn a profit.

Chairman DeVellis said the Board will review all the recommendations and come back for a discussion on how the Town would proceed with those recommendations. He listed the following:

- 1) Make a decision on benefits changes as the collective bargaining agreement is heavily impacted.
- 2) Plans for discretionary Overtime must be worked out.

- 3) He said the Board has to make sure the Chief is in agreement.
- 4) Sick leave abuse; this should move in a downward direction.
- 5) IOD there has been a dramatic reduction in this category but when a firefighter is injured on duty it should be a priority to get him/her back as soon as possible.
- 6) Review of someone going to the Academy and review of disciplinary leave time.
- 7) Comp time is terminated.
- 8) Bereavement leave should be tracked this year and budgeted.
- 9) Hiring new personnel to be reviewed, determine whether reduction in overtime costs is more or less than the cost of an additional firefighter.

Kevin Paicos said he would not make a recommendation to hire new personnel at this time; he is asking for guidance on where the Board would like to focus. He said the Chief is all ready involved in implementing the increase in staffing and the removal of comp time from the contract. Chief Hatfield talked about the things that have to be budgeted and those things not budgeted for that have to be absorbed into the budget. He said he knows there are further adjustments that have to be made but some of these have been going on a long time. Kevin Paicos noted that looking at the Matrix, over spending is constant. He said the Town has to be proactive and change some things and whatever change is made will be a policy decision that the BOS will have to make and give to the Town Manager. Chief Hatfield wanted to make sure that this is not the fault of any one person in the Department. He wants to make sure consideration is given to be fair to the union and that the union is fair to the Town. Lynda Walsh said she would like to see comparisons of staffing in surrounding towns before there is any further discussion on this issue. Ginny Coppola would like to see the cost to the Town if the Chief goes to an 8 man crew. Jim DeVellis would like to see an analysis on return for investment if one additional EMT is hired, a closer look at mutual aid and how staffing relates to Foxborough and review of the "swapping" practice.

ACTION:

MIIA Loss Control Grant Award – Received from Police Chief O'Leary a request for acceptance of a \$5,000 MIIA Loss Control Grant to be used for the purchase of a traffic trailer.

Motion by Mark Sullivan to accept with gratitude the \$5,000 grant from MIIA to be used for the purchase of a traffic trailer. Seconded by Lynda Walsh.

Vote: 5-0-0

One Day Wine & Malt License – Received from Max Ultimate Food, Inc. an application for One Day Wine & Malt License for a June 4, 2012 reception at Brigham & Women's Health Center opening of the new sports center at 1 Patriot Place.

Motion by Mark Sullivan to approve the One Day Wine & Malt License application as submitted by Phil Corona, Max Ultimate Food, Inc. Seconded by Lynda Walsh. **Vote: 5-0-0**

Constable Appointments – Received application for Constable for Stephen M. McGrath, Foxborough, with a term expiring 5/29/2015.

Motion by Lynda Walsh to approve the appointment of Stephen McGrath to a 3-year term as Constable. Term expiring 5/29/15. Seconded by Lorraine Brue. **Vote: 5-0-0**

Received application for Constable for Edward G. Mattingly, Jr. for the Town of Foxborough for a 3-year term.

Motion by Lynda Walsh to approve the appointment of Edward G. Mattingly, Jr. to a 3-year term as Constable for the Town of Foxborough. Term expiring 5/29/15. Seconded by Lorraine Brue. **Vote: 5-0-0**

A brief discussion was held regarding the number of constables appointed for the Town.

BOS Proposed Meeting Schedule – Kevin Paicos submitted the proposed BOS meeting schedule for FT2013. One date was changed – February 19th to the 26th.

Motion by Lynda Walsh to go into Executive Session for the purpose of discussing negotiations with Union & Non-union Personnel and the Deployment of Security Personnel and to exit from Executive Session for the sole purpose of adjournment. Seconded by Ginny Coppola.

Vote: 5-0-0	Jim DeVellis, Chairman	Yes
	Mark Sullivan, Vice Chairman	Yes
	Lorraine Brue, Clerk	Yes
	Lynda Walsh	Yes
	Ginny Coppola	Yes

Motion by Mark Sullivan to adjourn. Seconded by Lorraine Brue.

Vote: 5-0-0 Meeting adjourned at 8:30 p.m.

Lorraine Brue, Clerk